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January 15, 2016

Via Overnight Mail and EMail

Daniel Largo, FOIA Officer
Office of the Asst. Secretary/BIA
MS-3071, MIB
1849 C Street, NW
Washington, DC 20240
foia@bia.gov

Sean Johnson, Regional FOIA Coordinator
Bureau of Indian Affairs
911 NE 11th Avenue
Portland, OR 97232
sean.johnson@bia.gov

RE: FOIA Request

Dear FOIA Officer:

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, *et seq.*, and the regulations of the Department of the Interior, 43 C.F.R. Part 2, I am writing on behalf of Perkins Coie, LLP ("Perkins Coie") to request from the Bureau of Indian Affairs ("BIA"), all documents related to the Cowlitz Indian Tribe ("Tribe"), including but not limited to, any records related to the Tribe's proposed casino project, proposed Underground Injection Control ("UIC") wells, National Environmental Policy Act ("NEPA") compliance, trust land acquisition, initial reservation, or tribal enrollment from August 12, 2014 to the date of this letter.

For purposes of this FOIA request, "all documents" encompass: (i) any written, printed, or typed material of any kind, including without limitation to all correspondence, memoranda, notes, meeting minutes, emails from or to official or personal e-mail accounts, spreadsheets, reports, calendars; (ii) any electronically, magnetically, or mechanically stored records, such as materials stored on a compact disk, digital video disk, microfiche, regardless of form; (iii) any audio, visual, aural, or video records, including but not limited to photographs, videotapes, microfilm; and (iv) any other records preserved by any other means for documenting thought or expression.

Additionally, I would like to remind BIA of the President's directive that federal departments and agencies ensure that their actions meet the principles of transparency, participation, and collaboration.¹ "Transparency promotes accountability by providing the public with information about what the Government is doing."² With regard to FOIA, the President has also emphasized that agencies should handle FOIA requests "promptly and in a spirit of cooperation."³ The President further directed agencies to adopt a presumption in favor of disclosure with regard to all FOIA decisions.⁴ BIA should follow this directive by ensuring all documents responsive to Perkins Coie's FOIA request are immediately disclosed.

Pursuant to 43 C.F.R. § 2.16, an initial response by your agency is due within twenty (20) working days.

In the event that the requested documents cannot be disclosed in their entirety, Perkins Coie requests that you release any material that can be reasonably segregated. Should any documents or portions thereof be withheld, Perkins Coie requests that BIA state with specificity the description of the withheld document or portions thereof, and the legal and factual grounds for doing so.

Perkins Coie is willing to pay all reasonable fees incurred for search, duplication, and review up to \$500 in responding to this request. If the costs of responding to this request should exceed \$500, please contact the undersigned. For purposes of determining any fees related to fulfilling this request, pursuant to 43 C.F.R. § 2.38, Perkins Coie is considered an "other requester." Perkins Coie seeks prompt and timely compliance with this request.

Please contact me if you have any questions.

Sincerely,



Krista Hughes

¹ See Memorandum for the Heads of Executive Departments and Agencies, Executive Office of the President, Office of Management and Budget, Dec. 8, 2009.

² *Id.* at 1.

³ Presidential Memorandum for Heads of Executive Departments and Agencies Concerning the Freedom of Information Act, 74 Fed. Reg. 4683 (Jan. 21, 2009)

⁴ *Id.*